

Summary of Changes to Bankruptcy Court Miscellaneous Fee Schedule Effective 01-01-07

Below is a summary of Judicial Conference actions regarding the Bankruptcy Court Miscellaneous Fee Schedule. 28 U.S.C. §1930 contains the entire language of the applicable fees. This summary has been prepared for your convenience and may be used as a reference tool.

Item 6 - Adversary Filing Fee

- **Adversary Filing Fee to be de-linked from civil action filing fee; Adversary Filing Fee amount to remain \$250**

The Judicial Conference has amended Item 6 on the Bankruptcy Court Miscellaneous Fee Schedule to remove the linkage to the civil action filing fee and to set the fee for filing an adversary proceeding at \$250.

Item 10 - Fee for Conversions

- **New fee for converting a case from a chapter with a lower filing fee to a chapter with a higher filing fee; fee to be the difference between the two filing fees.** [This new fee is in addition to the \$15 fee already existing for some motions and notices to convert.]

This fee, which will not apply to sua sponte conversions, will be assessed whenever the filing fee of the chapter to which a case is converted exceeds the filing fee of the chapter under which the case was existing immediately prior to the conversion.¹ This change allows for uniformity in fees and ensures that all debtors pay the same amount for the same type of cases and relief.² Therefore, the following new fees will apply for conversion: [Filing Fee amounts for this calculation do not include the \$39 Administrative Fee nor the \$15 Trustee Surcharge, where applicable.]

- **For converting a Chapter 13 case to a Chapter 7 case**, a total fee of \$25 will be charged. This includes the existing fee of \$15 for converting to a Chapter 7, plus the new fee - an additional \$10 – representing the difference between the Chapter 7 filing fee (\$245) and the Chapter 13 filing fee (\$235).
- **For converting a Chapter 12 case to a Chapter 7 case**, a total fee of \$60 will be charged. This includes the existing fee of \$15 for converting to a Chapter 7, plus the new fee - an additional \$45 – representing the difference between the Chapter 7 filing fee (\$245) and the Chapter 12 filing fee (\$200).
- **For converting a Chapter 12 case to a Chapter 13 case**, a fee of \$35 will be charged. This fee represents the difference between the Chapter 13 filing fee (\$235) and the Chapter 12 filing fee (\$200).
- **For converting a Chapter 12 case to a Chapter 11 case**, a fee of \$800 will be charged. This fee represents the difference between the Chapter 11 filing fee (\$1,000) and the Chapter 12 filing fee (\$200).

¹ Conversions to Chapter 11 from Chapter 7 or 13 are excluded from this new fee, as fees are assessed for these conversions pursuant to 28 U.S.C. § 1930(a).

² In the event that a case is converted to a chapter with a lower filing fee, however, no refund will be given.

Item 11 - Reopening Fee

- **New fee to reopen a Chapter 15 case - \$1,000**
- **Expanded definitions for exemptions to reopening fee and clarification that exemption from the reopening fee for actions related to a discharge applies only in cases in two particular instances and only in cases in which a discharge was granted**
- **New \$15 fee to be collected when a Chapter 7 case is reopened.** [This new fee is in addition to the fee already existing for reopening a Chapter 7 case.]
- **The fee for reopening a case will remain linked to the statutory filing fees. The fee to reopen will be the same amount as the statutory fee for filing a case under the appropriate chapter.** [Filing Fee amounts for this calculation do not include the \$39 Administrative Fee nor the \$15 Trustee Surcharge, where applicable.]

As a result the total fees charged for:

- Reopening a Chapter 7 case will be \$260³;
- Reopening a Chapter 13 case will be \$235; and
- Reopening a Chapter 15 case will be \$1,000.

Item 19 - Splitting a Joint Case

- **New \$15 fee to be collected when a joint Chapter 7 case is split** [This new fee is in addition to the fee already existing for splitting a joint Chapter 7 case.]
- **The fee for splitting a joint case will remain linked to the statutory filing fees. The fee to split a case will be the same amount as the statutory fee for filing a case under the appropriate chapter.** [Filing Fee amounts for this calculation do not include the \$39 Administrative Fee nor the \$15 Trustee Surcharge, where applicable.]

As a result the total fees charged for:

- Splitting a joint Chapter 7 case will be \$260⁴ [\$245 + \$15]; and
- Splitting a joint Chapter 13 case will be \$235;

Items 15 and 21 - Filing Fees for Appeals and Direct Appeals

- **Fee for filing an appeal or a cross appeal is to be de-linked from Court of Appeals Miscellaneous Fee Schedule; Fee for filing an appeal or a cross appeal to District Court or BAP is to remain \$255.** [The amount includes the \$250 for docketing the appeal in addition to the \$5 filing fee required by 28 USC §1930(c).]
- **New fee of \$200 when the Court of Appeals authorizes a direct appeal or direct cross appeal.** [This new fee is in addition to the \$255 fee already existing for an appeal or a cross appeal. The fee collection for a direct appeal would become a two-part process; the court would initially collect \$255; after the Court of Appeals authorizes a direct appeal then an additional \$200 would be due.]

³ The total fee collected for reopening a Chapter 7 case will include the statutory chapter 7 filing fee of \$245 plus the additional \$15 fee authorized by the Judicial Conference.

⁴ This amount includes the statutory filing fee of \$245 plus the additional \$15 fee authorized by the Conference.